

110TH CONGRESS
1ST SESSION

H. R. 2070

To amend part A of title I of the Elementary and Secondary Education Act of 1965 regarding adequate yearly progress and assessments.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2007

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend part A of title I of the Elementary and Secondary Education Act of 1965 regarding adequate yearly progress and assessments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Comprehensive Learn-
5 ing Assessment for Students and Schools (CLASS) Act”.

6 **SEC. 2. AMENDMENTS REGARDING ADEQUATE YEARLY**
7 **PROGRESS AND ASSESSMENTS.**

8 (a) CONTINUOUS GROWTH MODELS.—Clause (iii) of
9 section 1111(b)(2)(C) of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)) is

1 amended by striking “for all students” and inserting “for
2 all students, as demonstrated by measures of students’
3 progress toward proficiency, including longitudinal
4 growth”.

5 (b) AVERAGING PROCEDURE.—Subparagraph (J) of
6 section 1111(b)(2) of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6311(b)(2)) is amended
8 by adding at the end the following:

9 “(iv) The State may average data by
10 other means that are designed to increase
11 the stability of school-building results from
12 year to year.”.

13 (c) ADEQUATE YEARLY PROGRESS BY GROUP AND
14 SUBJECT.—Section 1116(b) of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C. 6316(b)) is
16 amended—

17 (1) in subparagraph (A) of paragraph (1), by
18 inserting “with respect to the performance of a par-
19 ticular group of students described in section
20 1111(b)(2)(C)(v) in the same academic subject,”
21 after “that fails, for 2 consecutive years,”;

22 (2) in paragraph (5), by inserting “with respect
23 to the performance of a particular group of students
24 described in section 1111(b)(2)(C)(v) in the same

1 academic subject,” after “that fails to make ade-
2 quate yearly progress,”;

3 (3) in subparagraph (C) of paragraph (7), by
4 inserting “with respect to the performance of a par-
5 ticular group of students described in section
6 1111(b)(2)(C)(v) in the same academic subject,”
7 after “that fails to make adequate yearly progress,”;
8 and

9 (4) in subparagraph (A) of paragraph (8), by
10 inserting “with respect to the performance of a par-
11 ticular group of students described in section
12 1111(b)(2)(C)(v) in the same academic subject,”
13 after “continues to fail to make adequate yearly
14 progress,”.

15 (d) MULTIPLE MEASURES.—Subparagraph (A) of
16 section 1111(b)(2) of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

18 (1) at the end of clause (ii), by striking “and”;

19 (2) at the end of clause (iii), by striking the pe-
20 riod and inserting “; and”; and

21 (3) at the end, by adding the following:

22 “(iv) include multiple measures of stu-
23 dent academic achievement, such as the
24 proportion of State report card indicators
25 met, a performance index score, student

1 drop-out rate, and a measure based on in-
 2 dividual student achievement gains over
 3 time, disaggregated by each of the groups
 4 of students described in subparagraph
 5 (C)(v).”.

6 (e) CUT SCORES.—Clause (ii) of section
 7 1111(b)(1)(D) of the Elementary and Secondary Edu-
 8 cation Act of 1965 (20 U.S.C. 6311(b)(1)(D)) is amend-
 9 ed—

10 (1) in subclause (II), by striking “and” at the
 11 end;

12 (2) in subclause (III), by striking the period at
 13 the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(IV) take into consideration the
 16 continuum of achievement by children
 17 within the advanced, proficient, and
 18 basic levels of achievement described
 19 in subclauses (II) and (III) and the
 20 yearly progress by children within
 21 such continuum.”.

22 (f) NO FIRST SCORE REQUIREMENT.—Clause (iv) of
 23 section 1111(b)(2)(C) of the Elementary and Secondary
 24 Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)) is
 25 amended—

1 (1) by striking “(iv) measures” and inserting
2 “(iv)(I) measures”;

3 (2) by inserting “and” after “in paragraph
4 (3);”; and

5 (3) by adding at the end the following:

6 “(II) if a student takes an assessment
7 described in paragraph (3) for a particular
8 subject or grade level more than once, may
9 use, at the State’s discretion, the student’s
10 results from subsequent administrations of
11 the assessment;”.

12 (g) LIMITING TRANSFER OPTIONS AND SUPPLE-
13 MENTAL SERVICES TO STUDENTS FROM FAILING
14 GROUPS.—Section 1116 of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 6316) is amended—

16 (1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i),
17 and (8)(A)(i) of subsection (b), by striking the term
18 “all students enrolled in the school” each place such
19 term appears and inserting “all students enrolled in
20 the school, who are members of a group described in
21 section 1111(b)(2)(C)(v) that fails to make adequate
22 yearly progress as defined in the State’s plan under
23 section 1111(b)(2),”;

24 (2) in clause (vii) of subsection (c)(10)(C), by
25 inserting “, who are members of a group described

1 in section 1111(b)(2)(C)(v) that fails to make ade-
 2 quate yearly progress as defined in the State’s plan
 3 under section 1111(b)(2),” after “Authorizing stu-
 4 dents”; and

5 (3) in subparagraph (A) of subsection (e)(12),
 6 by inserting “, who is a member of a group de-
 7 scribed in section 1111(b)(2)(C)(v) that fails to
 8 make adequate yearly progress as defined in the
 9 State’s plan under section 1111(b)(2)” after “under
 10 section 1113(c)(1)”.

11 (h) ASSESSMENTS.—Clause (ii) of section
 12 1111(b)(3)(C) of the Elementary and Secondary Edu-
 13 cation Act of 1965 (20 U.S.C. 6311(b)(3)(C)) is amended
 14 to read as follows:

15 “(ii) be fully aligned with the State’s
 16 challenging academic content and student
 17 academic achievement standards, be
 18 aligned with curriculum and instruction to
 19 adequately assess the effect of curriculum
 20 and instruction on each such challenging
 21 academic content standard, include indi-
 22 vidual test items (based on technical cri-
 23 teria) that enable students to achieve the
 24 items if the students received appropriate
 25 instruction, and provide coherent informa-

1 tion about student attainment of the
2 State’s challenging academic content and
3 student academic achievement standards;”.

4 (i) ASSESSING STUDENTS WITH DISABILITIES.—

5 (1) IN GENERAL.—Subsection (b) of section
6 1111 of the Elementary and Secondary Education
7 Act of 1965 (20 U.S.C. 6311) is amended by adding
8 at the end the following:

9 “(11) CHILDREN WITH DISABILITIES.—

10 “(A) MODIFICATION OF STANDARDS, AS-
11 SESSMENTS.—With respect to a child with a
12 disability, a State plan shall provide for alter-
13 nate challenging academic content standards
14 and challenging student academic achievement
15 standards under paragraph (1)(A), alternate
16 high standards of academic achievement de-
17 scribed in paragraph (2)(C)(i), and alternate
18 yearly student academic assessments described
19 in paragraph (3), to align such standards and
20 assessments with the child’s individualized edu-
21 cation program.

22 “(B) DETERMINATION OF APPLICABLE AS-
23 SESSMENT.—In carrying out this paragraph,
24 consistent with the Individuals with Disabilities
25 Education Act, the State—

1 “(i) shall allow the individualized edu-
2 cation program team of each child with a
3 disability in the State to determine wheth-
4 er an alternate academic assessment
5 should be administered to the child in lieu
6 of the academic assessment otherwise re-
7 quired by paragraph (3);

8 “(ii) shall require the individualized
9 education program team of the child to se-
10 lect any such alternate academic assess-
11 ment from among the alternate assess-
12 ments included in the State’s plan pursu-
13 ant to subparagraph (C); and

14 “(iii) shall require that any alternate
15 academic assessment administered to a
16 child under this paragraph be more ad-
17 vanced than any such assessment adminis-
18 tered to the child in a previous school year
19 under this paragraph.

20 “(C) ALTERNATIVE ASSESSMENTS.—Each
21 State plan shall include alternate academic as-
22 sessments that may be administered to children
23 with disabilities for purposes of complying with
24 this paragraph.

1 “(D) DEFINITION.—In this paragraph, the
 2 term ‘individualized education program’ has the
 3 meaning given to that term in section 602 of
 4 the Individuals with Disabilities Education
 5 Act.”.

6 (2) RULE OF CONSTRUCTION.—The amendment
 7 made by paragraph (1) shall be construed as super-
 8 seding the 2.0 percent cap at section 200.13(c)(1) of
 9 title 34, Code of Federal Regulations (imposing a
 10 cap on the number of children with disabilities
 11 whose proficient and advanced scores, although
 12 based on alternate achievement standards, may be
 13 included in calculating adequate yearly progress).

14 (j) STUDENTS WITH LIMITED ENGLISH PRO-
 15 FICIENCY.—Paragraph (2) of section 1111(b) of the Ele-
 16 mentary and Secondary Education Act of 1965 (20 U.S.C.
 17 6311(b)) is amended by adding at the end the following:

18 “(L) STUDENTS WITH LIMITED ENGLISH
 19 PROFICIENCY.—Notwithstanding subparagraph
 20 (C)(v), a State may define adequate yearly
 21 progress under subparagraph (C) in a manner
 22 that measures the progress of students with
 23 limited English proficiency—

24 “(i) by continuing to include in a
 25 group of students described in subpara-

1 graph (C)(v) students who attain pro-
2 ficiency in English; and

3 “(ii) by excluding the performance of
4 students with limited English proficiency
5 who have resided in the United States for
6 less than 3 years and for whom native lan-
7 guage assessments in math and reading or
8 language arts are not available, so as to
9 avoid any distortion in measurement re-
10 sulting from the new arrivals of such stu-
11 dents.”.

12 (k) SEPARATE STARTING POINTS.—Subparagraph
13 (E) of section 1111(b)(2) (20 U.S.C. 6311(b)(2)) is
14 amended by striking “, using data for the 2001–2002
15 school year,” and inserting “, for each group of students
16 described in subparagraph (C)(v),”.

○